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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 NOE CONTRERAS,
a/k/a/ "Primillo"

18 Defendant.
19

No. CR 3-11-70150 MEJ

~~Proposed~~ ORDER REGARDING PRE-TRIAL
DETENTION

20 On February 23, 2011 a detention hearing was held before this Court pursuant to 18
21 U.S.C. §3142. The Court has considered the motion for pre-trial detention filed by the United
22 States, the Pre-Trial Services Report, and the arguments and proffers of both sides. For the
23 reasons outlined herein, the Court ORDERS the defendant detained.

24 The defendant appeared before the Court on an indictment alleging in Count One a
25 conspiracy to possess with intent to distribute and distribute a controlled substance, to wit: 500
26 grams or more of a mixture or substance containing a detectable amount of methamphetamine
27 and 50 grams or more of methamphetamine and alleging in Count Four a conspiracy to possess
28 with intent to distribute and distribute 100 kilograms of more marijuana. Because both counts

FILED

MAR 01 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11-CR-57

3-7-11

1 are offenses for which the maximum term of imprisonment is ten years or more, pursuant to 18
2 U.S.C. §3142(e)(3), they trigger a rebuttable presumption that there are no conditions or
3 combination of conditions will reasonably assure the appearance of the defendant as required and
4 the safety of the community. The Court notes that a grand jury has found probable cause to
5 believe the defendant committed the offenses outlined in the indictment. According to the
6 proffer provided by the government, the defendant is alleged to have provided hundreds of
7 pounds of quality marijuana and methamphetamine to co-defendants in Nevada in at least two
8 shipments. According to government estimates, the marijuana seized during the course of the
9 investigation had a value of over one million dollars and the methamphetamine was valued at
10 approximately one-half a million dollars. The excerpts of wiretapped conversations proffered by
11 the government reveal the defendant's substantial participation. Moreover, according to
12 information supplied by the government through proffer, at the time of his arrest, the defendant
13 admitted his involvement with the drug trafficking organization. The Court also notes that the
14 government has proffered that when a co-defendant was arrested, agents recovered a text
15 message in his telephone from the defendant on January 29, 2011. In the text message, the
16 defendant ordered 3 Glock handguns and one Mac 11 weapon and said that the money was ready.

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18 The Court is aware that the defendant has not demonstrated a history of evading court
19 responsibilities and has no criminal record. Nevertheless, he was born in Mexico, and has ties in
20 Mexico. One defendant in this case was already released and has fled to Mexico. The defendant,
21 if convicted, will likely be deported. He has no financial resources and has been unemployed for
22 the last year. He has a partial ownership interest in a home that is worth much less than what he
23 paid. The Pre-Trial Services report indicates that no payments have been made on the mortgage
24 since 2009. While members of the defendant's family did appear in Court, no proposed surety
25 offered any assets. The defendant has never married and has no children to tie him to this
26 community.

27 The Court finds that nothing provided by the defendant has rebutted the presumption that he
28 is both a flight risk and a danger. The proffer by the government is substantial and there is

1 evidence that the defendant sought, but did not obtain, firearms. The controlled substances and
2 the value of them injected into the community is also a danger and the court finds there is clear
3 and convincing evidence that the defendant poses a danger to the community if released. The
4 Court also finds by a preponderance of evidence that the defendant poses a risk of flight if
5 released. The Court incorporates into its reasons and findings a copy of the pre-trial services
6 report. The Court finds that defendant's opportunity to meet with his counsel was reasonable. In
7 the event of an appeal of this Order, the Pre-Trial Services report shall be sealed and made part of
8 this record. For the reasons set forth herein, the defendant is ordered detained.

9 Dated: March 1, 2011


10 HON. TIMOTHY J. BOMMER
11 UNITED STATES MAGISTRATE JUDGE
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